REMARKS

In the final Office Action, the Examiner rejects claims 1-17 under 35 U.S.C. § 103(a) as being unpatentable over Shin et al. (U.S. Published Patent Application No. 2006/0250496) in view of Mergler (U.S. Published Patent Application No. 2003/0054864). The rejection is respectfully traversed.

By way of the Amendment, Applicant amends claims 1, 2, 6-8, 10-14, 16, and 17 to improve form. No new matter has been introduced. Claims 1-17 remain pending.

Rejection under 35 U.S.C. § 103 based on Shin et al. and Mergler

Claims 1-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shin et al. in view of Mergler. The rejection is respectfully traversed.

Amended independent claim 1 is directed to a method of using multimedia messaging service (MMS) messages for notification of events in a portable communication device. The method comprises receiving, via a network and by a message handling unit of the portable communication device, at least one MMS message including at least two different types of media files and associated synchronization information; notifying, by the message handling unit, a user of the portable communication device of the receipt of the at least one MMS message; providing, by the message handling unit, the user with an option to set the at least one MMS message for use as a notification of a particular event related to the portable communication device; receiving, by the message handling unit, a user selection to set the at least one MMS message for use as the notification of the particular event; storing, in a notification setting storage unit of the portable communication device, a setting identifying the at least one MMS message for use as the notification based on the user selection; storing, after the storing the setting, the at least one MMS message in an MMS storage unit of the portable communication device; detecting, by a

call handling unit of the portable communication device, an occurrence of the particular event; determining, by the call handling unit, that the setting in the notification storage unit corresponds to the detected particular event; contacting, by the call handling unit, the message handling unit to render the at least one MMS message as the notification; retrieving, by the message handling unit, the at least one MMS message from the MMS storage unit based on the ~~of~~ contacting by the call handling unit; and synchronously presenting, via one or more presentation units of the portable communication device, the at least two different types of media files of the retrieved at least one MMS message, based on the associated synchronization information. This combination of features is not disclosed or suggested by Shin et al. and Mergler, whether taken alone, or in any reasonable combination.

For example, Shin et al. and Mergler do not disclose or suggest storing, in a notification setting storage unit of a portable communication device, a setting identifying at least one MMS message for use as a notification based on a user selection (received in response to an option that is provided to a user to set the at least one MMS message for use as the notification for a particular event related to the portable communication device); and storing, after the storing the setting, the at least one MMS message in an MMS storage unit of the portable communication device. The Examiner relies upon paragraphs 26-28 of as being particularly relevant to the previously-presented features of claim 1 (Final Office Action – page 3). Without acquiescing in the Examiner's interpretation of Shin et al., Applicant respectfully submits that Shin et al. does not disclose or suggest the above features of amended claim 1.

Shin et al., at paragraphs 26-28, discloses:

> The memory space 120, which is used for storing the VOD contents transmitted from the controller 110, is divided into a flash ROM and a RAM 124. The flash ROM includes a code unit 121, a data unit 122, and a storage unit 123.

The code unit 121 stores programs (e.g., a VOD player, a wireless application protocol (WAP) browser or the like) for providing basic functions and additional services of the mobile telecommunication terminal. The data unit 122 stores variables and data needed for executing the programs stored in the code unit 121. The storage unit 123 stores VOD contents downloaded in the data transceiver 100. The RAM 124 is used for carrying out general programs, e.g., a vibration driver, a sound driver, and a display driver, necessary in operating the mobile telecommunication terminal.

As shown in FIG. 2, data stored in the storage unit 123 is categorized into VOD contents, picture files, and audio files. The picture files may be used as theme pictures during a standby status of the mobile telecommunication terminal and the audio files may be used as bells indicating an incoming call. Since the VOD contents are multimedia contents having audio and video data, they may be used for theme pictures and bells. Moreover, the VOD contents may be played by a VOD player based on a user's demand.

The VOD contents are stored in the storage unit 123 in an intermediate file format, wherein the intermediate file format has an IOD field containing information for decoding and synchronizing video, audio streams, and respective multimedia data thereof. As illustrated in FIG. 3, the IOD field includes a header (16-bit), an object descriptor, and an elementary stream descriptor (ESD).

This section of Shin et al. discloses a memory space 120 that stores video-on-demand (VOD) contents and is divided into a RAM 124 and a flash ROM that includes a code unit 121, a data unit 122, and a storage unit 123. This section of Shin et al. also discloses that code unit 121 stores programs (e.g., a VOD player) for providing basic functions and additional services of a mobile telecommunication terminal; data unit 122 stores variables and data needed for executing the programs stored in code unit 121; storage unit 123 stores VOD multimedia contents having audio and video data, that may be used for theme pictures and bells; and RAM 124 is used for carrying out general programs necessary in operating the mobile telecommunication terminal. Nowhere in this section, or elsewhere, does Shin et al. disclose or suggest storing, in a notification setting storage unit of a portable communication device, a setting identifying at least one MMS message for use as a notification based on a user selection (received in response to an option that is provided to a user to set the at least one MMS message for use as the notification

for a particular event related to the portable communication device); and storing, after the storing

the setting, the at least one MMS message in an MMS storage unit of the portable

communication device, as recited in amended claim 1.

Mergler also does not disclose or suggest these features of amended claim 1.

For at least these reasons, amended claim 1 is patentable over Shin et al. and Mergler,

whether taken alone, or in any reasonable combination.

Claims 2-7 depend from claim 1 and are, therefore, patentable over Shin et al. and

Mergler, whether taken alone, or in any reasonable combination, for at least the reasons given for

claim 1.

Amended independent claim 8 is directed to a portable communication device enabled to

use multimedia messaging service (MMS) messages for notification of events occurring at the

portable communication device. The portable communication device comprises an event

handling unit; a message storage unit; a notification setting storage unit; one or more

presentation units; a radio circuit; and a message handling unit to receive, from a network via the

radio circuit, at least one MMS message including at least two different types of media files and

associated synchronization information, notify a user of the portable communication device of

the receipt of the at least one MMS message, provide the user with an option to set the at least

one MMS message for use as a notification of a particular event related to the portable

communication device, receive, responsive to the option provided to the user, a user selection to

set the at least one MMS message for use as the notification of the particular event, store, in the

notification storage unit, a setting identifying the at least one MMS message for use as the

notification of the particular event, and store, after the setting is stored, the at least one MMS

message in the message storage unit, where the event handling unit is to detect an occurrence of

the particular event, determine that the setting in the notification storage unit corresponds to the detected particular event, contact the message handling unit to render the at least one MMS message as the notification, direct the MMS message handling unit to retrieve the stored MMS message from the message storage unit, responsive to the detection of the occurrence of the particular event, and direct the MMS message handling unit to direct the one or more presentation units to simultaneously present the at least two different types of media files of the retrieved at least one MMS message based on the associated synchronization. This combination of features is not disclosed or suggested by Shin et al. and Mergler, whether taken alone, or in any reasonable combination.

For example, Shin et al. and Mergler do not disclose or suggest a message handling unit to store, in a notification storage unit and based on a user selection (that is received, responsive to an option provided to the user), a setting identifying at least one MMS message for use as a notification of a particular event, and store, after the setting is stored, the at least one MMS message in the message storage unit. The Examiner relies upon paragraphs 26-28 of as being particularly relevant to the previously-presented features of claim 8 (Final Office Action – page 6). Without acquiescing in the Examiner's interpretation of Shin et al., Applicant respectfully submits that Shin et al. does not disclose or suggest the above features of amended claim 8.

Paragraphs 26-28 of Shin et al. are reproduced above and disclose a memory space 120 that stores video-on-demand (VOD) contents and is divided into a RAM 124 and a flash ROM that includes a code unit 121, a data unit 122, and a storage unit 123. This section of Shin et al. also discloses that code unit 121 stores programs (e.g., a VOD player) for providing basic functions and additional services of a mobile telecommunication terminal; data unit 122 stores variables and data needed for executing the programs stored in code unit 121; storage unit 123

stores VOD multimedia contents having audio and video data, that may be used for theme pictures and bells; and RAM 124 is used for carrying out general programs necessary in operating the mobile telecommunication terminal. Nowhere in this section, or elsewhere, does Shin et al. disclose or suggest a message handling unit to store, in a notification storage unit and based on a user selection (that is received, responsive to an option provided to the user), a setting identifying at least one MMS message for use as a notification of a particular event, and store, after the setting is stored, the at least one MMS message in the message storage unit, as recited in amended claim 8.

Mergler also does not disclose or suggest these features of amended claim 8.

For at least these reasons, amended claim 8 is patentable over Shin et al. and Mergler, whether taken alone, or in any reasonable combination.

Claims 9-15 depend from claim 8 and are, therefore, patentable over Shin et al. and Mergler, whether taken alone, or in any reasonable combination, for at least the reasons given for claim 8.

Amended independent claims 16 and 17 recite features similar to some of the features described above with respect to claims 1 and 8. Thus, claims 16 and 17 are patentable over Shin et al. and Mergler, whether taken alone, or in any reasonable combination, for at least reasons similar to the reasons given above for claims 1 and 8.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-17 under 35 U.S.C. § 103(a) based on Shin et al. and Mergler.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of the application and the timely allowance of the pending claims.

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & HARRITY, LLP

By: /Garth D. Richmond, Reg. No. 43,044 /
        Garth D. Richmond
        Registration No. 43,044

Date: May 18, 2009

11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
(571) 432-0800

Customer Number: 58561